

Ivan Vernord Cleveland  
P. O. Box 689  
S9ledad, California.  
Zip. 93960-0689

United States District Court  
Northern District of California

In re Ivan Vernord Cleveland,  
(Petitioner)  
  
v.  
  
Ben Curry, (Warden) (A) et al.  
(Defendants)

Case No. C 07-2809 JF (PR)

MOTION AGAINST RETALIATION ON  
PLAINTIFF AND PLAINTIFF'S  
"WITNESSES."

On 1-30-08, approximately 7:50 A.M. petitioner was informed by his building Officer that He was to report to one Lt. Vasquez. When arriving to "Lt. Vasquez's" office she was holding two letters that petitioner had mailed out on (1-29-08). One of the letters were addressed to (A.C.L.U.) of Southern California. Letter two was addressed to an Organization by the name of "TIPS". Petitioner's letters were opened and read by C.D.C.R. Staff, which is prison policy. Lt. Vasquez, threatened petitioner that if he mailed the two letters in their original wording that not only would he himself be put in the Hole which is ISOLATION, but also all of his WITNESSES.

Petitioner would like to respectfully advise the Honorable Judge: Fogel, that he has at least twenty witnesses; in the case against defendant: Abanico. Petitioner was then taken to a Metal Cage; where he was stripped of his clothes and searched and forced to stay In this cage for more than one hour. The cage is so small that it is impossible to sit down. After being forced to endure this humiliation for at least a hour and a half, he was told to go to his cell. Until further notice or after Lt. Vasquez, spoke

1 with one Captain: Geurra. Petitioner was placed on cell-lock-down. After  
 2 two more hours Lt. Vasquez, informed petitioner that unless he changed the  
 3 wording of his letters before mailing them out; not only him, but his  
 4 witnesses as well would go to the hole. The petitioner's constitutional  
 5 rights are clearly being violated. In way of "SCARED TACTICS," harrassment.  
 6 UNECESSARY BODY AND CELL SEARCHES. The petitioner's "Fourth Amendment" right  
 7 was also violated. Prisoner is to be free from Unreasonable Searches, or  
 8 Seizure of Property. Which also includes the protection of the (Eighth  
 9 Amendment), against Cruel and Unusual Punishment.

10 "Petitioner's Due Process was clearly violAted" (Official's are not  
 11 suppose to restrict anyones right to "Courts or Lawyers", or punish or take  
 12 away your property or ones liberty; even "within Prison"; without fair  
 13 procedures. The (A.C.L.U.) are indeed an organization which provides legal  
 14 "assistance" and "Attorney's".

15 "Retaliation occurs when prison officials punishes prisoners because  
 16 prisoners has exercised his or her "Constitutional Right" Haff v. Cooke,  
 17 (923 F.Supp. 1104).

18 "Also, a prison cannot punish you for complaining, or to keep you from  
 19 filing a "Lawsuit." Allab v. Seiverling, 229 F.3d 220 (3d Cir. 2000).

20 The petitioner in this case would ask that the Court / Judge to grant a  
 21 Motion. An order of Injunction against C.D.C.R. for retaliation, Harrassment,  
 22 from all staff. For IMPEDING "OUT GOING MAIL" and "INCOMING MAIL." Petitioner  
 23 will be also providing proof of allegation of sexual-misconduct on the  
 24 Defendant: Officer: Abanico"; by way of witnesses of misconduct or victums;  
 25 again would respectfully ask the Honorable Judge: Fogel, to grant this  
 26 Motion against anytype of harassment; which includes wrongful transfer's  
 27 due to the exerciseing their constitutional rights by testifying in behalf  
 28 of petitioner.

1 The petitioner has not mailed the letters out; due to the fact that he  
2 does not want for him, or his witnesses to be harassed by way of "ISOLATION"  
3 or wrongful-transfer. The petitioner is only asking that his rights  
4 according to the constitution be respected and that he be treated fairly.  
5 This is the reason why these Motion's should be granted against anytype of  
6 retaliation by C.D.C.R.

7  
8  
9 DATE:

Respectfully submitted,

  
Ivan Vernord Cleveland

Filed

**PROOF OF SERVICE BY MAIL  
BY PERSON IN STATE CUSTODY**  
(C.C.P. §§ 1013(A), 2015, 5)

FEB 21 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE, CA 95113

I, MR. IVAN VERNARD CLEVELAND

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

IVAN V. Cleveland, CDCR #: H-60543  
CORRECTIONAL TRAINING FACILITY  
P.O. BOX 689, CELL #: F-W-256-L  
SOLEDAD, CA 93960-0689.

On Feb-16-2008, I served the attached:

Motion Against Retaliation Request in the Case of-  
Cleveland Vs. BEN R CURRY (WARDEN) (A) ET AL. CASE No-C 07-2809)JE(PR)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

TO KENNETH T. ROOST  
CA STATE ATTORNEY GENERAL  
OFFICE- 455 GOLDEN GATE AVE, SUITE -  
11000 SAN FRANCISCO CA 94102-7004.

ATTORNEY'S  
: KRAUP Gordon AND  
DENNIS CUNNINGHAM  
115 1/2 BARTLETT ST.  
SAN FRANCISCO CA 94110

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 2-17-08.

MR. IVAN CLEVELAND  
Declarant

F-Wing - 256-Low  
P.O. Box 689  
Salinas, CA 93960-0689



UNITED STATES POSTAL SERVICE  
02 1M  
00042296  
MAILED FR

Legal-mail  
[Signature]

To: The Office of the Clerk, U.S. District  
Northern District of California  
280 South First Street Room 1  
San Jose, CA 95113-3095